

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SAMANTHA ABRAHAM, *et al.*,

Plaintiffs,

v.

OMNI FAMILY HEALTH,

Defendant.

Case No. 1:24-cv-01456-JLT-CDB

ORDER ON STIPULATION EXTENDING  
TIME FOR DEFENDANT TO RESPOND TO  
COMPLAINT

(Doc. 9)

ORDER VACATING MARCH 3, 2025,  
SCHEDULING CONFERENCE

**Relevant Background**

On October 23, 2024, Plaintiffs Samantha Abraham, Naomi Gaxiola, and Brian Cihal (collectively, “Plaintiffs”) initiated this action with the filing of a complaint on behalf of themselves and a putative class of others against Defendant Omni Family Health (“Defendant”) in the Superior Court of the State of California, Kern County, Case No. BCV-24-103623. (Doc. 1). On November 29, 2024, Defendant removed the action to this Court. (*Id.*). On December 3, 2024, the parties stipulated pursuant to Local Rule 144(a) to extend by 28 days the time for Defendant to respond to the complaint, up to and including January 3, 2025. (Doc. 5). On December 27, 2024, Plaintiffs filed the pending motion to remand the action to Kern County Superior Court that is set for hearing on February 3, 2025. (Doc. 7).

This action is one of several similar class action suits brought in or removed to this Court

1 in which Plaintiffs assert similar claims against Defendant. *See, e.g., Gober Villatoro Guerra v.*  
2 *Omni Family Health*, No. 1:24-cv-01492-JLT-CDB (“*Guerra*”) (Doc. 6). In *Guerra*, the Court  
3 noted the class action complaints here and the other Omni actions allege substantially similar  
4 facts and nearly identical causes of action against Defendant. (*Id.* at 1-2) (“From review of the  
5 several complaints, it appears these actions arise from a recent, alleged cyberattack resulting in  
6 a data breach of sensitive information in the possession and custody and/or control of Defendant  
7 (the “Data Breach”).” The Court ordered Defendant to file a Notice of Related Cases in  
8 accordance with Local Rule 123(b) in *Guerra* and the identified Omni Actions therein, including  
9 the instant action. (*Id.* at 3). The Court further ordered the parties in *Guerra* to show cause why  
10 this action should or should not be consolidated pursuant to Federal Rule of Civil Procedure  
11 42(a). (*Id.*). On December 27, 2024, Defendant filed the Notice of Related Cases and identified  
12 as related, *inter alia*, the instant action. (*Guerra*, Doc. 8 at ¶ 4). On December 30, 2024, the  
13 parties in *Guerra* filed a joint status report in response to the Court’s show cause order. (*Guerra*,  
14 Doc. 9). Therein, Defendant represents it intends to file a motion to substitute the United States  
15 in the matter and all other related Omni matters. (*Id.* at 1). The *Guerra* parties represent that  
16 they will file in the first filed of the Omni federal actions – *Ellen Pace v. Omni Family Health*,  
17 No. 1:24-cv-01277-JLT-CDB – a joint stipulation and proposed order consolidating and staying  
18 the Omni actions pending resolution of the earlier of Defendant’s forthcoming motion to  
19 substitute or motions to remand in the instant action (Doc. 7) as well as *Scott Stevenson and*  
20 *Marcos Mantoya v. Omni Family Health*, No. 1:24-cv-01459-CDB (“*Stevenson*”) (*Stevenson*,  
21 Doc. 11). (*Id.* at 2).

### 22 **Pending Stipulated Request**

23 Pending before the Court is the parties’ stipulated request to extend by 30 additional days  
24 the time for Defendant to respond to the complaint, through and including February 3, 2025.  
25 (Doc. 9). The parties represent the requested extension will allow time for other federal court  
26 actions filed against Defendant to be consolidated and for the Court to rule on Defendant’s  
27 forthcoming motion to substitute the United States in this case as a defendant pursuant to the  
28 Federal Tort Claims Act, 42 U.S.C. § 233, as well as the Plaintiffs’ pending motion to remand

(Doc. 7). (*Id.*). The parties represent that good cause exists to grant the requested extension in the efficiencies from allowing consolidation to occur and ruling on the pending motions to substitute and to remand. (*Id.*).

**Conclusion and Order**

Good cause appearing, IT IS HEREBY ORDERED:

1. Defendant shall have until **February 3, 2025**, to respond to the complaint by filing an answer or other responsive pleading. *See* Local Rule 144(a).
2. And it is FURTHER ORDERED that the scheduling conference set for March 3, 2025 (Doc. 4) is VACATED to be reset as necessary following the ruling on the pending motion to remand (Doc. 7) and resolution of the issue of consolidation.

IT IS SO ORDERED.

Dated: **January 2, 2025**

  
UNITED STATES MAGISTRATE JUDGE